

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION NO. 4:09-CR-87-
	§	SDJ-AGD-11
MARCO DEMON PERKINS	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Now before the court is the request for revocation of Defendant Marco Demon Perkins's ("Defendant") supervised release. After the District Judge referred the matter to this court for a report and recommendation, the court conducted a hearing on September 12, 2024, to determine whether Defendant violated his supervised release. Defendant was represented by Brian O'Shea of the Federal Public Defender's Office. The Government was represented by Lesley Brooks.

Defendant was sentenced on April 30, 2012, before The Honorable Richard A. Schell of the Eastern District of Texas after pleading guilty to the offense of Conspiracy to Manufacture, Distribute, or Possess with Intent to Manufacture or Distribute Cocaine, Cocaine Base, and Marijuana, a Class A felony. This offense carried a statutory maximum imprisonment term of Life. The guideline imprisonment range, based on a total offense level of 32 and a criminal history category of IV, was 168 to 210 months. Defendant was subsequently sentenced to 180 months imprisonment followed by 10 years supervised release, subject to the standard conditions of release, plus special conditions to include financial disclosure to verify employment, drug testing and treatment, GED, and a \$100 special assessment. On May 16, 2016, the term of imprisonment was reduced to 147 months, and on March 5, 2019, Defendant completed his period of imprisonment and began service of the supervision term. On January 8, 2020, the case was reassigned to The Honorable Sean D. Jordan of the Eastern District of Texas. On April 29, 2021,

the Court revoked the original term of supervised release after Defendant admitted to having submitted a urine specimen on April 22, 2020, which tested positive for cocaine and for failing to participate in the random drug testing program. Defendant was sentenced to 10 months imprisonment followed by eight years supervised release, subject to the mandatory and standard conditions of release, plus special conditions to include financial disclosure, drug testing and treatment, obtain GED, and \$100 special assessment. On December 21, 2021, Defendant completed his term of imprisonment and began his term of supervised release. On August 18, 2023, the conditions of supervision were modified to include residential reentry center in a community corrections component for a period of 180 days.

On July 18, 2024, the United States Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision (Dkt. #1039, Sealed). The Petition asserts that Defendant violated one condition of supervision, as follows: (1) (mandatory) Defendant must refrain from any unlawful use of a controlled substance. (Dkt. #1039 at pp. 1–2, Sealed).

The Petition alleges that Defendant committed the following acts: (1) At a home visit conducted on June 30, 2022, Defendant admitted, verbally and in writing, to using cocaine and marijuana on June 28, 2022. At a home visit conducted on February 13, 2023, Defendant admitted, verbally and in writing, to using marijuana on February 11, 2023. At a home visit conducted on July 7, 2023, Defendant admitted, verbally and in writing, to using marijuana on or about June 26, 2023. On June 28, 2024, Defendant reported to the U.S. Probation Office and submitted a urinalysis which tested positive for marijuana, amphetamines, and methamphetamines. The national lab confirmed the results on July 3, 2024. (Dkt. #1039 at pp. 1–2, Sealed).

Defendant entered a plea of true to allegation (1) of the Petition.

Having considered the Petition and the plea of true to allegation (1), the court finds that Defendant did violate his conditions of supervised release. Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this court.

**RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, the court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for an additional term of thirteen (13) months with no supervised release to follow.

The court finally recommends that Defendant be housed in a Bureau of Prisons facility in the Texarkana, Texas area, if appropriate.

**SIGNED this 7th day of October, 2024.**

  
AILEEN GOLDMAN DURRETT  
UNITED STATES MAGISTRATE JUDGE